

The opinion in support of the decision being
entered today is not binding precedent of the Board.

Paper 26

Filed by: Trial Section Motions Panel
Box Interference
Washington, D.C. 20231
Tel: 703-308-9797
Fax: 703-305-0942

Filed: August 6, 2001

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES

GIORGIO PAGANI and UMBERTO ZARDI
Junior Party
(Application 08/860,960),

v.

CARLO RESCALLI
Senior Party,
(Patent 5,886,222 and Patent 5,763,660).

Patent Interference No. 104,556

Before: SCHAFER, TORCZON and TIERNEY, Administrative Patent Judges.
TIERNEY, Administrative Patent Judge.

JUDGMENT
(Pursuant to 37 CFR § 1.662(a))

Senior Party Rescalli has requested adverse judgement. (Paper No. 25). Upon consideration of the record, it is:

ORDERED that judgment on priority as to Count 1 (Notice Declaring Interference, Paper No. 1, page 6), the sole count in the interference, is awarded *against* Senior Party Rescalli.

FURTHER ORDERED that Senior Party Rescalli is not entitled to a patent containing claims 1-3 of Rescalli U.S. Patent 5,886,222 and claims 1-18 of Rescalli, U.S. Patent 5,763,660.

FURTHER ORDERED that a copy of this final decision shall be placed and given a paper number in the file of Rescalli U.S. Patent 5,886,222, Rescalli, U.S. Patent 5,763,660 and Pagani et al., U.S. Application 08/860,960.

RICHARD E. SCHAFFER
Administrative Patent Judge

RICHARD TORCZON
Administrative Patent Judge

MICHAEL P. TIERNEY
Administrative Patent Judge

BOARD OF PATENT
APPEALS
AND
INTERFERENCES

cc (via Facsimile):

Attorney for Rescalli:

Charles L. Gholz, Esq.
Oblon, Spivak, McClelland, Maier
& Neustadt
1755 Jefferson Davis Hwy.
Fourth Flr.
Arlington, VA 22202
Tel: (703) 412-6485 (Gholz)
Tel: (703) 412-7058 (Kelly)
Fax: (703) 413-2220
Email: CGHOLZ@oblon.com
JKELLY@oblon.com

Attorney for Pagani et al.:

John T. Callahan, Esq.
Gordon Kit
Sughrue, Mion, Zinn, Macpeak
& Seas
2100 Pennsylvania Avenue, N.W.
Washington, DC 20037-3202
Tel: (202) 663-7387 (Callahan)
Tel: (202) 663-7945 (Kit)
Fax: (202) 293-7860
Email: jcallahan@sughrue.com
gkit@sughrue.com